

1 THOMAS E. MOORE III (SB#115107)  
2 ROBERT O. WHYTE (SBN 130021)

**TOMLINSON ZISKO LLP**

3 200 Page Mill Road  
4 Palo Alto, CA 94306  
Telephone: (650) 325-8666  
Facsimile No.: (650) 324-1808

5 Attorneys for Plaintiff  
6 **RIPPEY COMMERCIAL LLC**

7 KATHLEEN FINNERTY (SB# 157638)

**LIVINGSTON & MATTESICH**

8 1201 K Street, Suite 1100  
9 Sacramento, CA 95814  
Telephone: (916) 442-1111  
Facsimile: (916) 448-1709

10 Attorneys for Defendant  
11 **W.G. GRINDERS FRANCHISE, INC.**  
12 **and CONSTANCE S. BELLISARI**

13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**  
15 **SACRAMENTO DIVISION**

16 **RIPPEY COMMERCIAL LLC**, a California  
17 limited liability company,

18 Plaintiff,

19 vs.

20 **W.G. GRINDERS FRANCHISE, INC.**, an Ohio  
21 corporation, and **CONSTANCE S. BELLISARI**,  
an individual,

22 Defendants.  
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NO. 2:04-CV-02743 DFL (GGH)

**STIPULATION AND [PROPOSED]  
ORDER OF DISMISSAL**

**STIPULATION**

Plaintiff Rippey Commercial LLC, and defendants W.G. Grinders Franchise, Inc. and Constance S. Bellisari (collectively "the parties"), by their undersigned attorneys, hereby stipulate as follows:

1. Pursuant to Rule 41(a)(1), Fed. R. Civ. P., and in accordance with the provisions set forth in the Settlement Agreement and Mutual General Release between the parties, the parties stipulate to the dismissal with prejudice of this action, including the complaint, and hereby move the Court for such dismissal.

2. Each party shall bear its own costs, expenses, and attorneys' fees.

Dated: July 28, 2005

By /s/ Thomas E. Moore III  
Thomas E. Moore III

TOMLINSON ZISKO LLP  
Attorneys for Plaintiff  
Rippey Commercial LLC

Dated: July 28, 2005

By /s/ Kathleen Finnerty  
Kathleen Finnerty

LIVINGSTON & MATTESICH  
Attorneys for Defendant  
W.G. Grinders Franchise, Inc. and  
Constance S. Bellisari

**ORDER OF DISMISSAL**

In accordance with the stipulation of the parties, this matter is hereby dismissed with prejudice; and each party shall bear its own costs, expenses, and attorneys' fees.

Dated: \_\_August 3, 2005

/s/ David F. Levi  
HONORABLE DAVID F. LEVI  
UNITED STATES DISTRICT JUDGE